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The Honorable Ronald B. Leighton

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PRESIDIO GROUP, LLC, a Washington
limited liability company; et. al.,

Plaintiffs,

v.

GMAC MORTGAGE, LLC, a Pennsylvania
limited liability company; et. al.,

Defendants.

NO. 08-05298-RBL

**STIPULATION AND ORDER OF
DISMISSAL OF CLAIMS AGAINST
DEFENDANT MARK SCHALLER**

This matter having come before the court on the stipulation of the parties for the entry of an order dismissing all of plaintiffs' claims and all defendants' cross-claims that have been asserted or could be asserted against defendant Mark Schaller in this action; the court having considered the execution of this agreed order by the parties, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. All of plaintiffs' claims and all defendants cross-claims that have been asserted or could be asserted against defendant Mark Schaller in this action, are hereby dismissed without prejudice and without any award of attorney's fees or costs to any party;

2. In the event that plaintiffs determine, after further discovery, that there exist facts which support a claim by plaintiffs against defendant Mark Schaller, plaintiffs may apply

STIPULATION AND ORDER OF DISMISSAL
OF CLAIMS AGAINST DEFENDANT MARK
SCHALLER - 1

08-05298RBL

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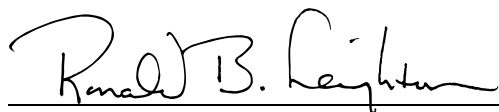
1 to this court for an order adding Mark Schaller as an additional defendant in this case,
2 provided that such request is made by plaintiffs to the court not less than ninety (90) days
3 prior to the date upon which the court requires that all discovery be completed in this matter,
4 and that upon addition of Mark Schaller as a defendant, plaintiff shall supply to Schaller all
5 discovery provided to all other parties in the litigation;

6 3. Schaller, who has stipulated to the entry of this order, will make himself
7 available for a deposition by any party in the case without personal service of process on two
8 (2) weeks' notice to his counsel, David S. Kerruish, at a time and in a location determined by
9 the parties consistent with the FRCP.

10 4. Within thirty (30) days of the date of this order, Schaller shall supply to the
11 parties copies of documents within his possession and control related to the claims of
12 plaintiffs in this action, without the need for submission of any discovery requests, subject to
13 attorney-client privilege and work product objections consistent with the FRCP which may be
14 raised by Schaller when the documents are supplied.

15 5. In the event that any claim of plaintiffs or cross claim of defendants against
16 GMAC Mortgage, LLC, ("GMACM") is dismissed with prejudice, such dismissal shall, without
17 further application to the court by GMACM or Schaller, change the dismissal of Schaller
18 contained in this order to a dismissal with prejudice in regard to the same claim.

19 Dated this 22nd day of September, 2008.

20 

21 RONALD B. LEIGHTON
22 UNITED STATES DISTRICT JUDGE

23 STIPULATION AND ORDER OF DISMISSAL
24 OF CLAIMS AGAINST DEFENDANT MARK
25 SCHALLER - 2

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1 Stipulated to, approved for entry, notice of presentation waived:

2 DAVID S. KERRUISH, P.S.

3 By /s/ David S. Kerruish
4 David S. Kerruish, WSBA No. 11090
5 Attorney for Defendant Mark Schaller

6 LAW OFFICES OF DEAN BROWNING WEBB

7 By /s/ Dean Browning Webb
8 Dean Browning Webb, WSBA No. 10735
9 Attorney for Plaintiffs

10 BISHOP, WHITE & MARSHALL, P.S.

11 By /s/ Erin M. Stines for
12 Ann T. Marshall, WSBA No. 23533
13 Attorneys for Defendant GMAC Mortgage

14 By /s/ Erin M. Stines
15 Erin M. Stines, WSBA No.
16 Attorneys for Defendant GMAC Mortgage

17 FORSBERG & UMLAUF, P.S.

18 By /s/ John F. Jenkel
19 John Forsythe Jenkel, WSBA No. 16085
20 Patrick G. Middleton, WSBA No. 12113
21 Attorneys for F. James Mayhew

22 RANDALL L. STEWART

23 By /s/ Randall L. Stewart
24 Randall L. Stewart, WSBA No. 4620
25 Attorneys for Richard and Claire Cano

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STIPULATION AND ORDER OF DISMISSAL
OF CLAIMS AGAINST DEFENDANT MARK
SCHALLER - 3

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